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# Start with Privacy Presentation

Seattle, WA | February 3, 2017

Michael McEvoy

Deputy Information and Privacy Commissioner for B.C.



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**Mr. Richard Attwell**  
*Mayor of Saanich,  
British Columbia*





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“... since the software was installed on municipally owned computers to be used in the workplace, **there was no reasonable expectation of privacy by employees.**”

*Saanich  
News Release  
January 13, 2015*



#### Media Release

For Immediate Release January 13, 2015

#### SOFTWARE INSTALLED TO PROTECT INTEGRITY OF SAANICH COMPUTER SYSTEM

Saanich, BC –

On December 15, 2014 Mayor Atwell contacted Saanich Police with concerns about the installation of security software on his office computer. The complaint arose from the installation of security software on a number of District of Saanich computers, including the office computer of Mayor Atwell. This installation was in response to the conclusions of a May, 2014 independent, external audit of the District of Saanich computer system. Recommendations from the May, 2014 audit included the installation of security software. The software is intended to protect the organization from external threats as well as monitor any internal activity that may result from external threats. Security software was installed on District computers in late November, 2014. In response to Mayor Atwell's concerns, Saanich Police initiated a review with the intent of reporting back to Council on January 5, 2015. This report was subsequently moved to the January 12, 2015 In Camera Council meeting.

The Saanich Police review into the complaint, initiated on December 19, 2014, determined, with the assistance of Dirk Ryneveld, Q.C., that there was no basis for recommending charges against Saanich employees because section 184 of the Criminal Code does not apply to circumstances where, as in this case, the software was installed to manage the integrity of the computer system and protect the computer system against any illegal attack. Furthermore, since the software was installed on municipally owned computers to be used in the workplace, there was no reasonable expectation of privacy by employees.

At the January 12, 2015 In Camera Council meeting, Police Chief Bob Downie advised Council that it is his department's determination that no criminal offence has taken place and the review has been concluded.

The security of Saanich's information technology infrastructure is the duty and responsibility of the Information Technology Division. Installation of security measures is part of the Division's normal practices and as such citizens can feel secure when conducting business with Saanich. Council is confident in the conduct of its Information Technology Division and the steps they take on an ongoing basis to protect the integrity of District of Saanich information and resources.

Saanich Council continues to look forward to working together to meet the challenges ahead of Saanich and the capital region.

-30-

Media Contact:  
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## Software violates privacy rights: report

VICTORIA - British Columbia's privacy commissioner says a Vancouver Island municipality violated privacy rights by secretly installing computer spyware the mayor alleged was used to bug his computer.

Elizabeth Denham said Saanich failed to tell employees and elected officials about the amount of personal information it was collecting.

"One of the most disappointing findings in my investigation of the District of Saanich's use of employee monitoring software is the near complete lack of awareness and understanding of the privacy provisions of B.C.'s Freedom of Information and Protection of Privacy Act," Denham said in a report released Monday.

She said public agencies, including municipal governments, have been subject to comprehensive privacy laws for more than 20 years.

However, Saanich installed monitoring software, enabling automated screen shots, keystroke logging and other monitoring tools "without considering how these actions would measure up to their privacy obligations under the

**LISTEN: Privacy commissioner slams  
District of Saanich for spyware**  
Vancouver, BC, Canada / News Talk 980



## Richard Atwell's spyware allegations vindicated by privacy commissioner

Privacy Commissioner Elizabeth Denham orders destruction of data collected by city staff

CBC News - Posted Mar 30, 2015 10:00 PM | Last updated Mar 30, 2015 10:00 PM



Saanich Mayor Richard Atwell raised the alarm over software that could collect information from employees including personal websites visited, online banking transactions, confidential correspondence and private passwords at images. (CBC)

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- Alleged spyware removed from Saanich mayor Richard Atwell's computer
- Saanich mayor's spyware suspicions prompt privacy probe
- Saanich mayor Richard Atwell asked to step down as police board chair
- Mayors, like and staying in office
- No spyware on Saanich mayor's

Saanich Mayor Richard Atwell's concerns about spyware on his office computer at city hall were legitimate, says a report from B.C.'s information and privacy commissioner.

Atwell claimed earlier this year that the software was being used to spy on him by recording his keystrokes and taking screen shots.

While Privacy Commissioner Elizabeth Denham's report doesn't deal directly with Atwell's allegations, she found that the security software installed by city staff collected far more information than allowed under the Freedom of Information and Privacy Act.

• Saanich mayor's spyware allegations investigated

"When the District of Saanich implemented employee monitoring software, staff enabled tools that would collect sensitive personal information from employees including personal websites visited, online banking transactions, confidential correspondence and private passwords or images," Denham said in her report.

### Not authorized by privacy law

"The district can only collect personal information that is directly related to and necessary for the provision of IT systems and infrastructure. An employee's every keystroke and email, or screen captures of computing activities at 30-second intervals clearly exceeds that purpose and is not authorized by privacy law."

"One of the most disappointing findings ... is the district's near-complete lack of awareness and understanding of the privacy provisions."

— Privacy Commissioner Elizabeth Denham

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## IT Security and Employee Privacy: Tips and Guidance

June 2015

This guidance document gives an overview of the issues employers should consider before implementing IT security tools that collect employee personal information.

Employees do not check their privacy rights at the office door. There is a right to privacy in the workplace, which has been upheld by Canadian courts and must be respected by public bodies and private sector organizations as they consider what security controls are necessary to protect information in their networks.

### INTRODUCTION

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Public bodies and private sector organizations are facing an increasing number of internal and external threats to their information technology ("IT") systems. These organizations have an obligation to protect the data stored in their information systems against threats such as malware, social engineering and unauthorized access by employees. Increasingly, they are turning to new and emerging technologies to address and mitigate these threats.





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**Thank you!**  
**Questions?**